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PATENT APPLICATION IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

The Accompanying Application

Applicants : Hoffmann, James A. and Lu, Jirong

For : FSH FORMULATION

Docket No. : X-12383N

SUBMISSION OF DOCUMENTS CLARIFYING CLAIMS 62-91 IN
INTERNATIONAL APPLICATION NO. PCT/US99/16031

Assistant Commissioner for Patents

Washington, D. C. 20231

Sir:

The accompanying application is a divisional application of U.S. Serial No. 09/744,431, which itself is the national-stage application of International Application No. PCT/US99/16031. Attached are three documents that Applicants submit to clarify claim numbering, and thereby hopefully to avoid delay in prosecuting the present divisional application.

Claims 1-61 were filed originally in the International Application. Claims 62-91 were added by Amendment under Article 34(2)(b) in the International Application. In response to the Written Opinion, Applicants canceled Claims 6, 25, 40-44, 60, 68, 69, 89, and 90, leaving Claims 1-5, 7-24, 26-39, 45-59, 61-67, 70-88 and 91 remaining in the application. Applicants canceled all claims remaining in the International Application, and requested entry of new

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Claims 92-140 by Preliminary Amendment in the parent application (U.S. Serial No. 09/744,431).

In the accompanying divisional application, Applicants cancel Claims 92-140 and add Claims 141-152 by Preliminary Amendment.

The Office recently questioned whether Claims 62-91 were ever in the parent application or International Application. To demonstrate that Claims 62-91 were indeed in the parent application and International Application, Applicants submit the following three attached documents, which are part of the record for the International Application:

1. AMENDMENT UNDER ARTICLE 34(2)(b), which shows the submission of Claims 62-91;
2. PCT WRITTEN OPINION covering Claims 1-91;
3. INTERNATIONAL PRELIMINARY EXAMINATION REPORT (IPER), which is written for Claims 1-91 and which has a complete set of Claims 1-91.

Applicants respectfully assert that the three documents clearly show that Claims 62-91 came into the International Application with Amendment under Article 34(2)(b) and were treated by the Examiner as having been accepted into the application.

In conclusion, Applicants submit three documents to show how Claims 62-91 were introduced into the International Application and parent application from which this application is being filed as a divisional case. This will hopefully avoid delay in determining whether the claim numbering in this application is appropriate.

No response to this submission is needed.

Hoffmann, James A.
FSH FORMULATION
Docket X-12383N

Lu, Jirong

Respectfully submitted,

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